

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

CHAPTER 7

TOPPOS, LLC,

CASE NO. 23-02889-5-PWM

Debtor.

**MOTION TO HOLD MOTION TO SUBSTANTIVELY CONSOLIDATE [Dkt. 229] IN
ABEYANCE**

NOW COMES Plaintiff, through counsel, and moves this court to hold the Chapter 7 Trustee's Motion to Substantively Consolidate Certain Non-Debtor¹ Affiliates into Bankruptcy Case [Dkt. 229] (the "Motion") in Abeyance pending the Court's ruling on the Trustee's motion to convert and anticipated motion to approve an operating order in the bankruptcy cases of Debtor's affiliates Top Park Services, LLC, case no. 24-03434-5-PWM, Time Out Properties, LLC, case no. 24-03435-5-PWM, Grand Valley MHP, LLC, case no. 24-03431-5-PWM, Prairie Knolls MHP, LLC, case no. 24-03432-5-PWM, and Rolling Acres MHC, LLC, case no. 24-03433-5-PWM. In support of this Motion, the Plaintiff states:

1. The Chapter 7 Trustee filed a Motion to Substantively Consolidate Certain Non-Debtor Affiliates into Bankruptcy Estate on July 18, 2024 [Dkt. 229].

2. The majority non-debtor affiliates which were the subject of the motion have subsequently either been put into receiverships, and exempted from the motion by stipulation, or filed for bankruptcy.

3. Top Park Services, LLC, Time Out Properties, LLC, Grand Valley MHP, LLC, Prairie Knolls MHP, LLC, and Rolling Acres MHC, LLC (together, the "Debtor Affiliates"), all

¹ Several of these affiliates are now Debtors in subsequently filed bankruptcy cases pending before this Court.

filed petitions for relief under Chapter 11 of the United States Bankruptcy Code on September 20, 2024.

5. On October 25, 2024, this Court entered an order appointing John C. Bircher, III, as Chapter 11 Trustee for each of the Debtor Affiliates.

4. As the Chapter 7 Trustee for TOPPOS, LLC, and the Chapter 11 Trustee for each of Debtor Affiliates, Mr. Bircher has investigated and continues to investigate the best path forward for the benefit of all of the bankruptcy estates.

5. On December 10, 2024, Mr. Bircher filed § 1106 report in the case of each of the Debtor Affiliates with the recommendation that Debtor Affiliates' cases be converted to cases under Chapter 7, and stating his intention to file a motion to convert and seek approval of an operating order in each case.

6. On December 12, 2024, Mr. Bircher filed a motion for joint administration in each of Debtor Affiliates' bankruptcy cases.

7. If the cases of Debtor Affiliates are converted, an operating order approved, and an order for joint administration entered, it may moot or eliminate the need for the claims in this case.

8. This case should be held in abeyance pending Court consideration of the Trustee's motion for joint administration as well as his anticipated motions for conversion and approval of an operating order.

Wherefore, Plaintiff moves that the Motion be held in abeyance pending the entry of orders on the Trustee's motion for joint administration, as well as his anticipated motions for conversion and approval of an operating order.

This the 12th Day of December, 2024.

STEVENS MARTIN VAUGHN & TADYCH, PLLC

s/ Kathleen O'Malley

Kathleen O'Malley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he is over eighteen (18) years of age and the **MOTION TO HOLD MOTION TO SUBSTANTIVELY CONSOLIDATE [Dkt. 229] IN ABEYANCE** was this day served upon the parties listed via first class mail and/or electronically as indicated. Other parties were served electronically through CM/ECF.

Richard Preston Cook (via CM/ECF) Richard P. Cook, PLLC 7036 Wrightsville Ave., Suite 101 Wilmington, NC 28403 Email: richard@capefeardebtreliet.com	Brian Behr (via CM/ECF) Bankruptcy Administrator, EDNC 434 Fayetteville Street, Suite 640 Raleigh, NC 27601
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This the 12th Day of December, 2024.

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